



Office of the City Clerk-Treasurer
301 W. Chestnut
Rogers, Arkansas 72756
479-621-1117
www.rogersar.gov

***AMENDED* COMMITTEE SCHEDULE**

TO: MAYOR
CITY COUNCIL
DEPARTMENT HEADS
PRESS

FROM: Jessica Rush, CITY CLERK-TREASURER

DATE: December 13, 2022

The following committee meetings will be held on **Tuesday, December 13, 2022** prior to the City Council Meeting:

05:40 p.m. - COMMUNITY SERVICES COMMITTEE: (Brashear*, Hayes, Kruger)

Committee Room #1 OR <https://us02web.zoom.us/j/82603687175> OR **(312)626-6799 ID: 826 0368 7175**

To Discuss: (a) A Resolution Authorizing The Mayor And City Clerk To Enter Into An Agreement With The Rogers Little Theater For Joint Use Of The Victory Theater

05:50 p.m. - PUBLIC WORKS COMMITTEE: (Townzen*, Brashear, Kendall)

Committee Room #2 OR <https://us02web.zoom.us/j/85966071894> OR **(312)626-6799 ID: 859 6607 1894**

To Discuss: (a) An Ordinance Amending Certain Portions Of Chapter 54, Utilities, Of The Code Of Ordinances Of The City Of Rogers
(b) An Ordinance Authorizing An Amendment To The City Of Rogers' Franchise Agreement With Lakeshore Recycling Systems, LLC; To Approve A Fee Increase For Solid Waste Disposal That Is Proportional To Cost Increases

05:50 p.m. - PUBLIC SAFETY COMMITTEE: (Wolf*, Kruger, Legere)

Committee Room #1 OR <https://us02web.zoom.us/j/82603687175> OR **(312)626-6799 ID: 826 0368 7175**

To Discuss: (a) A Resolution Scheduling A Public Hearing To Determine A Nuisance Structure On Certain Property Located In Rogers, Arkansas

06:10 p.m. - FINANCE COMMITTEE: (Reithemeyer*, Wolf, Kendall)

Committee Room #2 OR <https://us02web.zoom.us/j/85966071894> OR **(312)626-6799 ID: 859 6607 1894**

To Discuss: (a) A Resolution Authorizing The Mayor And City Clerk To Enter Into A Contract With NWA Entertainment, LLC In The Amount Of \$40,000.00 For The City's 2023 Fourth Of July Fireworks Display

(b) A Resolution Amending The City Of Rogers 2022 Budget To Appropriate \$424,300.00 From CMRS Fund Reserves Into Account #352-52-70252 Communications Equipment For The Purchase Of Improvements To The Dispatch Center

06:10 p.m. - COMMUNITY ENVIRONMENT & WELFARE COMMITTEE: (Legere*, Townzen, Hayes)

Committee Room #1 OR <https://us02web.zoom.us/j/82603687175> OR **(312)626-6799 ID: 826 0368 7175**

To Discuss: (a) An Ordinance Amending Chapter 14, Section 580 – Preliminary Plat Of The

City Of Rogers Code Of Ordinances

- (b) An Ordinance Amending Certain Portions Of Chapter 14, Section 724 –
Board Of Adjustments Of The City Of Rogers Code Of Ordinances
 - (c) An Ordinance Amending Rogers Code Section 14-675 By Re-Zoning Certain
Lands From A-1 To C-3; Accepting The Density Concept Plan (335 S.
Dodson Road) [Staff Report](#)
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ROGERS CITY COUNCIL **AGENDA**

DECEMBER 13, 2022

6:30 PM

City Council Chambers OR virtually via
ZOOM <https://us02web.zoom.us/j/89269380398>
OR (312)626-6799 ID: 892 6938 0398

PUBLIC FORUM:

PLEDGE OF ALLEGIANCE:

ROLL CALL:

ACTION ON MINUTES:

1. November 22, 2022

REPORTS OF BOARDS AND STANDING COMMITTEES:

- | | | | |
|----|----------|--|------------------------------|
| 1. | RES. Re: | Authorizing The Mayor And City Clerk To Enter Into An Agreement With The Rogers Little Theater For Joint Use Of The Victory Theater | COMMUNITY SERVICES COMMITTEE |
| 2. | ORD. Re: | Amending Certain Portions Of Chapter 54, Utilities, Of The Code Of Ordinances Of The City Of Rogers | PUBLIC WORKS COMMITTEE |
| 3. | ORD. Re: | Authorizing An Amendment To The City Of Rogers' Franchise Agreement With Lakeshore Recycling Systems, LLC; To Approve A Fee Increase For Solid Waste Disposal That Is Proportional To Cost Increases | PUBLIC WORKS COMMITTEE |
| 4. | RES. Re: | Scheduling A Public Hearing To Determine A Nuisance Structure On Certain Property Located In Rogers, Arkansas | PUBLIC SAFETY COMMITTEE |
| 5. | RES. Re: | Authorizing The Mayor And City Clerk To Enter Into A Contract With NWA Entertainment, LLC In The Amount Of \$40,000.00 For The City's 2023 Fourth Of July | FINANCE COMMITTEE |

Fireworks Display

- | | | | |
|----|----------|---|--|
| 6. | RES. Re: | Amending The City Of Rogers 2022 Budget To Appropriate \$424,300.00 From CMRS Fund Reserves Into Account #352-52-70252 Communications Equipment For The Purchase Of Improvements To The Dispatch Center | FINANCE
COMMITTEE |
| 7. | ORD. Re: | Amending Chapter 14, Section 580 – Preliminary Plat Of The City Of Rogers Code Of Ordinances | COMMUNITY
ENVIRONMENT &
WELFARE
COMMITTEE |
| 8. | ORD. Re: | Amending Certain Portions Of Chapter 14, Section 724 – Board Of Adjustments Of The City Of Rogers Code Of Ordinances | COMMUNITY
ENVIRONMENT &
WELFARE
COMMITTEE |
| 9. | ORD. Re: | Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From A-1 To C-3; Accepting The Density Concept Plan (335 S. Dodson Road) | COMMUNITY
ENVIRONMENT &
WELFARE
COMMITTEE |

OLD BUSINESS:

NEW BUSINESS:

1. ORD. Re: Accepting The Final Plat Of Willow Creek Phase 1, Rogers, Benton County, Arkansas, The Dedication Of Utility Easements And Other Public Ways Therein

APPOINTMENTS:

1. Appointment of Hannah Cicioni to the Planning Commission; term to expire December 31, 2028.
2. Appointment of Samantha Best to the Planning Commission; term to expire December 31, 2028.

ANNOUNCEMENTS:

RESOLUTION NO. R22-_____

**A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO
AN AGREEMENT WITH THE ROGERS LITTLE THEATER FOR JOINT USE OF
THE VICTORY THEATER; AND FOR OTHER PURPOSES.**

WHEREAS, the City of Rogers and the Rogers Little Theater desire to enter into a joint use agreement for the Victory Theater, located at 116 South 2nd Street, Rogers, Arkansas; and

WHEREAS, the joint use agreement between the City and the Rogers Little Theater will replace the existing business lease, signed by the parties on June 25, 2014.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY
OF ROGERS, ARKANSAS THAT:**

Section 1: The Mayor and City Clerk may enter into a joint use agreement with the Rogers Little Theater for the mutual use of the Victory Theater beginning on January 1, 2023;

Section 2: Severability Provision: If any part of this Resolution is held invalid, the remainder of this Resolution shall continue in effect as if such invalid portion never existed; and

Section 3: Repeal of Conflicting Resolutions: All resolutions or orders of the City Council, or parts of resolutions or orders of the City Council, in conflict with this Resolution are repealed to the extent of such conflict.

RESOLVED this _____ day of _____, 2022.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested By: John McCurdy, Director, Community Development Department

Prepared By: John M. Pesek, Senior Staff Attorney

For Consideration By: Community Services Committee

ORDINANCE NO. 22-____

AN ORDINANCE AMENDING CERTAIN PORTIONS OF CHAPTER 54, UTILITIES, OF THE CODE OF ORDINANCES OF THE CITY OF ROGERS; AND FOR OTHER PURPOSES.

WHEREAS amendment is needed to certain portions of Chapter 54, Utilities, of the Code of Ordinances of the City of Rogers, Arkansas; and

WHEREAS the Rogers Waterworks and Sewer Commission has by duly passed Resolution recommended adoption of the proposed amendments shown on the attached Exhibit 1.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROGERS, ARKANSAS:

Section 1. The following provisions of Chapter 54, Utilities, of the Code of Ordinances of the City of Rogers, Arkansas are hereby amended as follows:

A. The definition of “Building Sewer” in Section 54-43 of the Code of Ordinances of the City of Rogers, Arkansas is amended to read as shown on the attached Exhibit 1.

B. The definition of “Public Sewer” in Section 54-43 of the Code of Ordinances of the City of Rogers, Arkansas is amended to read as shown on the attached Exhibit 1.

C. A definition of “Private Sewer Disposal System” is added to Section 54-43 of the Code of Ordinances of the City of Rogers, Arkansas and will read as shown on the attached Exhibit 1.

D. Section 54-233 of the Code of Ordinances of the City of Rogers, Arkansas is amended to read as shown on the attached Exhibit 1.

E. Section 54-328 of the Code of Ordinances of the City of Rogers, Arkansas is amended to read as shown on the attached Exhibit 1.

Section 2. Emergency Clause: The need to make the amendments provided for herein is immediate and an emergency is hereby declared to exist and this Ordinance shall be in full force and effect from and after the date of its passage;

Section 3. Severability Provision: If any part of this Ordinance is held invalid, the remainder of this Ordinance shall continue in effect as if such invalid portion never existed; and

Section 4. Repeal of Conflicting Provisions: All Ordinances, Resolutions, or Orders of the City Council, or parts of the same, in conflict with this Ordinance are repealed to the extent of such conflict.

PASSED this _____ day _____ 2022.

C. GREG HINES, Mayor

ATTEST:

JESSICA RUSH, City Clerk

Requested by: Rogers Water Utilities and Rogers Waterworks and Sewer Commission

Prepared by: Robert A. Frazier, Legal Counsel, Rogers Water Utilities and Rogers Waterworks and Sewer Commission

Reviewed by: John M. Pesek, Senior Staff Attorney

For Consideration By: Public Works Committee

Sec. 54-43. Definitions.

Building sewer means the privately controlled and maintained extension from the building drain to the wye fitting or manhole penetration at a public sewer or private sewer disposal system.

Private sewer disposal system means any septic tank or other privately maintained facilities intended for the disposal of sanitary sewage other than via the public sanitary sewer and treatment works. In various places in this Code, a *private sewer disposal system* is also referred to as a “*private sewage disposal system*” or “*private onsite wastewater system*.”

Public sewer means all pipes, manholes and fittings of the sanitary sewer, except those defined as a *Building Sewer*, in which all owners of abutting properties have equal rights, and which is controlled and maintained by public authority.

Sec. 54-233. Unlawful Inflow Connections, discharge of sewage and polluted waters generally.

(a) **Definitions.** As used in this Section:

Inflow means the release or discharge of stormwater, surface water, groundwater, roof runoff or subsurface drainage into the sanitary sewer system.

Superintendent means the Superintendent of the Rogers Water Utilities.

Unlawful inflow connection means any piping, drain, cross connection, channel, defect, or other connection that causes or allows the release or discharge of any stormwater, surface water, groundwater, roof runoff or subsurface drainage into the sanitary sewer system.

(b) **Inflow Prohibited.** It shall be unlawful for any person to release or discharge or cause to be released or discharged any stormwater, surface water, groundwater, roof runoff or subsurface drainage into the sanitary sewer system.

(c) **Prohibition Against Unlawful Inflow Connections.** It shall be unlawful for any person to construct, use, maintain, or allow to exist on any property in the City any *unlawful inflow connection*. This prohibition expressly includes, without limitation, *unlawful inflow connections* made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

(d) **Enforcement.** The Superintendent may enforce this Section as provided in Sections 54-49, 54-50, and 54-51 of this Code, and by invoking the remedies therein, and may further take actions as stated herein below.

(f) **Order to Remove Unlawful Inflow Connection.** In the event an *unlawful inflow connection* is discovered on any premises, the Superintendent may issue an order to the owner or occupant of the premises to remove such *unlawful inflow connection* within thirty (30) days of the date of the Order (“the initial thirty (30) day period”). Upon application of the owner or occupant, the Superintendent may extend this period if the owner or occupant has, within the initial thirty (30) day period, made substantial efforts to remove the unlawful inflow connection, but is unable to complete the removal within the initial thirty (30) day period.

(g) **Remedies for Failure to Remove Unlawful Inflow Connection.** If the owner or occupant fails to remove the *unlawful inflow connection* within thirty (30) days of the date of the Order, or within any extension of the thirty (30) day period granted by the Superintendent, the Rogers Water Utilities, at the direction of the Superintendent, may take any, or all, or any combination of, as applicable, the following actions:

- (i) discontinue water service to the premises; discontinue sewer service to the premises; or both, as applicable, until the *unlawful inflow connection* is removed;

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- (ii) enter upon the premises and remove the *unlawful inflow connection* and charge the cost of the work, at the standard employee and equipment rates of the Rogers Water Utilities, to the owner or occupant of the premises;
 - (iii) employ a third-party contractor to enter upon the premises and remove the *unlawful inflow connection* and charge the cost of the work, at the employee and equipment rates agreed upon by RWU, to the owner or occupant of the premises;
 - (iv) invoke any other remedy available to the Rogers Water Utilities under this Code, or otherwise available to the Rogers Water Utilities at law or in equity, all said remedies being cumulative.

(h) **Right of Entry to Inspect Premises or Remove Unlawful Inflow Connection.** Whenever the Superintendent has cause to believe that there exists, or potentially exists, in or upon any premises any *unlawful inflow connection*, the Superintendent, or the Superintendent's designated representatives, shall have the right to enter the premises at any reasonable time to determine if an *unlawful inflow connection* exists. Likewise, if the owner or occupant fails to remove the *unlawful inflow connection* as ordered under subsection (f) of this Section, the Superintendent, or the Superintendent's designated representatives, shall have the right to enter the premises at any reasonable time to remove the *unlawful inflow connection*. In the event that the owner or occupant refuses entry after a request to enter has been made, the Rogers Water Utilities may seek assistance from a court of competent jurisdiction in obtaining such entry.

(i) **Storm Sewers.** Stormwater and all other uncontaminated drainage may be discharged to such sewers as are specifically designated as storm sewers in accordance with other applicable provisions of this Code, including, without limitation, Chapter 14, Article VII.

(j) **Unlawful Discharge of Sewage and Polluted Waters.** It shall be unlawful to discharge to any natural outlet within the city, or in the sanitary sewer or any of the sewage works, or in any area under the jurisdiction of the city, any sewage or other polluted waters, except where suitable treatment has been provided and where a valid national pollutant discharge elimination system permit, and a wastewater discharge permit, if required, has been issued for such discharge.

Sec. 54-328. Separate sewer required for each building, exceptions.

- (a) Except as listed in subparagraph (b) below, a separate and independent building sewer shall be provided for every building.
- (b) Exceptions. A separate and independent building sewer shall not be required when:
 - a. one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway (in such a case, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer or);
 - b. buildings comprise a commonly owned, leased unit development or;
 - c. building drains from individually owned buildings or living units are situated on "common" property that is maintained by a homeowner's association or other governing body and building drains are identified as a common element of the property.

(Code 1982, § 16-79; Code 1997, § 118-328)

ORDINANCE NO. 22-_____

AN ORDINANCE AUTHORIZING AN AMENDMENT TO THE CITY OF ROGERS' FRANCHISE AGREEMENT WITH LAKESHORE RECYCLING SYSTEMS, LLC; TO APPROVE A FEE INCREASE FOR SOLID WASTE DISPOSAL THAT IS PROPORTIONAL TO COST INCREASES; PROVIDING FOR THE EMERGENCY CLAUSE; AND FOR OTHER PURPOSES.

WHEREAS, Lakeshore Recycling Systems, LLC has requested an increase in the fees for collection of residential garbage to account for a significant increase in operating costs;

WHEREAS, Lakeshore Recycling Systems, LLC relies in part on a 5.8 percent increase in costs for the period October 2021 to October 2022 as set forth in the U.S. All Urban Consumers Indexes (CPI-U) for Transportation Garbage Collections published by the United States Department of Labor, Bureau of Statistics; and

WHEREAS, the proposed increases in rates are proportional to the increase in costs and consistent with the requirements of law and the provisions of the original franchise agreement designed to protect consumers against undue and excessive rate increases, and are as follows:

SERVICE	CURRENT	PROPOSED	DIFFERENCE
Curbside Garbage (96 Gallon Cart)	\$ 14.41	\$ 15.25	\$ 0.84
Curbside Recycle (64 Gallon Cart)	\$ 4.46	\$ 4.72	\$ 0.26
Total Monthly Service	\$ 18.87	\$ 19.97	\$ 1.10
LOW VOLUME SERVICE	CURRENT	PROPOSED	DIFFERENCE
Curbside Garbage (64 Gallon Cart)	\$ 13.90	\$ 14.71	\$ 0.81
Curbside Recycle (64 Gallon Cart)	\$ 4.46	\$ 4.72	\$ 0.26
Total Monthly Service	\$ 18.36	\$ 19.43	\$ 1.07

WHEREAS, Lakeshore Recycling Systems, LLC is seeking a Convenience Center rate increase due to the increase in CPI-U. The Convenience Center rate increase is as follows:

	CURRENT	PROPOSED	DIFFERENCE
Residential Carload	\$7.46	\$7.89	\$ 0.43
Residential Truck load	\$12.63	\$13.36	\$ 0.73
Residential Large Truck load	\$17.79	\$18.82	\$ 1.03
Price per Cubic Yard	\$12.63	\$13.36	\$ 0.73
Minimum Dump Fee	\$57.40	\$60.73	\$ 3.33
Trash Bag	\$2.41	\$2.55	\$ 0.14
Yard Waste Bag Purchase	\$2.30	\$2.43	\$ 0.13

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROGERS, ARKANSAS THAT:

Section 1: The Mayor and City Clerk may execute an amendment to the City of Rogers' franchise agreement with Lakeshore Recycling Systems, LLC titled "The Agreement for the Collection and Transfer of Residential Solid Waste and Recyclable Materials" entered into on December 31, 2015, adopted by City of Rogers Ordinance No. 16-01, and codified in Appendix A, Article III, Division 1 of the Code of Ordinances, City of Rogers, Arkansas;

Section 2: The amendment to the City of Rogers's franchise agreement with Lakeshore Recycling Systems, LLC described in Section 1 is attached as Exhibit "A;"

Section 3 - Emergency Clause: It is hereby declared an emergency exists and this ordinance, being necessary for the preservation of health, safety and welfare of the citizens of Rogers, Arkansas, shall be in effect upon its passage and approval;

Section 4 - Severability Provision: If any part of this Ordinance is held invalid, the remainder of this Ordinance shall continue in effect as if such invalid portion never existed; and

Section 5 - Repeal of Conflicting Provisions: All ordinances, resolutions or orders of the City Council, or parts of the same, in conflict with this Ordinance are repealed to the extent of such conflict.

PASSED this _____ day of _____, 2022.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Request By: C. Greg Hines, Mayor
Prepared By: John M. Pesek, Senior Staff Attorney
For Consideration By: Public Works Committee

EXHIBIT “A”

Amendment to Agreement for the Collection and Transfer of Residential Solid Waste and Recyclable Materials

Pursuant to Section II (k) of the “Agreement for the Collection and Transfer of Residential Solid Waste and Recyclable Materials” (“Original Agreement”) this Amendment to the Original Agreement is entered into this ____ day of ____, 2022 amended by and the City of Rogers, Arkansas (“the City”) and Lakeshore Recycling Systems, LLC (“the Contractor”). The provisions of this Amendment to the Original Agreement shall become effective on January 1, 2023.

Subsection (m) of Section III and Subsections (a) and (b) of Section IV of the Original Agreement are amended to alter the rates of service, and shall read as follows:

Section III. – General services, operations and performance.

(m) *Local facility.* The contractor shall establish and maintain a local facility to serve as the base of operations within 20 miles of the city limits, by the effective date of this agreement. All trucks and other equipment to be used in connection with the agreement shall be kept at the customer location or at the local facility in order to permit expeditious service response. The contractor shall provide adequate telephone communications; shall have a local telephone number, and, shall have at least two people available to receive calls during normal business hours 9:00 a.m. to 4:30 p.m., at least five days a week, including Saturday. The contractor and/or the office personnel shall maintain some form of telecommunications with the operations personnel during operations hours. This facility shall include a transfer station where residents can take items of trash, including bulk waste items, for disposal, and a recycling center to process the recyclables collected in the city. This transfer station shall be open at least five days a week, including Saturday. Rates charged for disposal of items shall be as follows:

Residential Carload	\$7.89
Residential Truck Load	\$13.36
Residential Large Truck Load	\$18.82
Price per Cubic Yard	\$13.36
Minimum Dumping Fee	\$60.73
Trash Bag	\$2.41
Yard Waste Bag Purchase	\$2.43

Section IV. - Residential services, operations and performance.

(a) Solid waste services for residents.

Base fee service. The contractor shall provide residential solid waste collection and transfer services for all residential customers located within the service areas of this agreement one time per week using container bins on wheels, which will be limited to one container bin weekly of either a 64-gallon or 96-gallon capacity. The base fee charged to customers shall be:

64-gallon recycling container-cart: \$4.72

96-gallon solid waste container: \$15.25

64-gallon solid waste container: \$14.71

(b) Residential collections.

Recycle bin collection. One time per week curbside collection of residential recycling shall be provided as a tandem service to the one time per week solid waste collection service outlined above for those customers. The customer will be instructed to set out recycle bins under the same placement rules as for the set out of solid waste. The contractor shall be responsible to provide an inventory of recycling bins sufficient to provide for all customers who are in the city.

Recyclable materials. Customers will be permitted to recycle newspapers, magazines, plastic bottle containers, aluminum and tin cans and cardboard. Educational brochures will instruct customers how to prepare items.

Yard waste services. Residents are encouraged to manage yard wastes on-site using techniques such as backyard composting and mulching mowers to the greatest extent possible. However, residential yard waste collection will be provided by contractor at an extra cost to residents through purchase of special green bags at a cost of \$2.43 per green bag, which shall be picked up on the same day as solid waste. Any increase in the price charged for these special bags must be approved by the city council.

Bulky waste pickup. The contractor shall provide bulky waste pickup service for all customers at least one day a month. Items to be included in the bulky waste pickup shall be negotiated between the contractor and the city and publicized to all residents of the city.

Leaf pickup. The contractor shall provide pickup of leaves at least once on each route during the fall months, and shall advertise the date of such pickup in advance.

Extra trash following Christmas. Contractor shall make provisions to pick up extra trash on the pickup date following the Christmas holiday.

Contamination. The contractor may suspend or remove a resident's participation in the recycling program based on continual contamination. Each resident who participates in the program will be given three (3) strikes per calendar year. If the contractor is able to determine the resident has contaminated the residential recycling container in excess of three (3) times per year, that resident may be suspended and their recycling container removed for a period for six (6) months. If the resident has three (3) more contamination strikes within the six (6) months after receiving their recycling container back (if resident so chooses to recycle and have their recycling container delivered back to them) from contractor after previously being suspended from the program within the last calendar year, the resident will be permanently removed from the residential recycling program and their container taken back by the contractor.

Bulk item pick-up. Each resident who participates in the program is allowed two (2) free bulk items per month on their regularly scheduled service day. If a resident wishes to dispose of more than two (2) bulk item pick-ups per month, the resident will pay a cost of twenty-five dollars (\$25.00) in advance of their normal bulk service day for each additional item.

Mattresses and box springs. If a resident requests a pick-up of a mattress or box spring(s), the resident shall envelop each mattress and each box spring(s) within the bag used to purchase the mattress and box springs or purchase a sealable mattress bag from a local retailer prior to placing it on the curb for pick-up.

In no other way whatsoever is the Residential Solid Waste and Recycling Agreement amended or modified, and the parties hereto adopt, repeat, and reaffirm all other provisions of that Original Agreement as previously amended.

IN WITNESS WHEREOF, the parties set their hands and seals this _____ day of _____, 2022.

CITY OF ROGERS

LAKESHORE RECYCLING
SYSTEMS, LLC

By: _____

C. Greg Hines, Mayor

By: _____

Attest:

Jessica Rush, City Clerk

RESOLUTION NO. 22-_____

**A RESOLUTION SCHEDULING A PUBLIC HEARING TO DETERMINE A
NUISANCE STRUCTURE ON CERTAIN PROPERTY LOCATED IN ROGERS,
ARKANSAS; AND FOR OTHER PURPOSES.**

WHEREAS, Mary Anne Rush and Elizabeth Anne Rush are the owners of certain real property situated in Rogers, Benton County, Arkansas, more particularly described as follows:

LEGAL DESCRIPTION:

A part of the SE1/4 of the NE1/4 of Section 10, Township 19 North, Range 30 West of the Fifth Principal Meridian, Benton County, Arkansas and being described as follows: beginning at the SE corner of the SE1/4 of the NE1/4 of Section 10 Township 19 North, Range 30 West, said point being in the Roadway of Walnut Street (U.S. Highway 71 Business) to the City of Rogers and also being the TRUE POINT OF BEGINNING; Thence along the roadway of said Walnut Street, North 89°52'18" West, 200.00 feet to a found iron pin; Thence leaving said roadway, North 00°38'46" West, 345.02 feet to a set iron pin, Thence South 89°52'41" East, 200.00 feet to a found iron pin; Thence South 00°38'45" East, 345.10 feet to the true point of beginning, as shown in Plat Record "19" at Page 297.

LESS AND EXCEPT:

Part of the Southeast Quarter of the Northeast Quarter of Section 10, Township 19 North, Range 30 West, Benton County, Arkansas, more particularly described as follows:

Starting at the Northeast Corner of the Southeast Quarter of the Northeast Quarter of Section 10; Thence South 02°30'57" West, along the East line thereof a distance of 1,282.36 feet to a point on the Northerly proposed right of way line of U.S. Highway 71 for the POINT OF BEGINNING; Thence continue South 02°30'57" West, along the East line of the Southeast Quarter of the Northeast Quarter of Section 10 a distance of 5.00 feet to a point on the Northerly existing right of way line of U.S. Highway 71B; Thence North 87°02'20" West, along said existing right of way line a distance of 19822 feet to a point; Thence North 02°13'24" East, a distance of 5.00 feet to a point on the Northerly proposed right of way line of U.S. Highway 71B; Thence South 87°02'20" East, along said proposed right of way line a distance of 198.25 feet to the point of beginning and containing 0.02 acre more or less.

LAYMAN'S DESCRIPTION: 2701 W Walnut Street, Rogers, AR 72756

PARCEL NO.: 02-00884-001

WHEREAS, the owners were given proper notice of numerous violations of the standards provided for in the Rogers' Code of Ordinances, including the International Property Maintenance Code ("IPMC") as adopted by reference in Rogers' Code of Ordinances §§ 10-32 and 10-33, which

constitute life, health, or safety violations, located on the property described above, and were instructed to abate the nuisance in accordance with § 18-58 of the Code of Ordinances;

WHEREAS, the property owners of record did not abate the dilapidated, unsightly, unsafe, and unsanitary conditions on this property, and as a result, the City of Rogers requests a hearing to seek a finding that the structure is a nuisance structure in accordance with § 18-59 of the Code of Ordinances; and

WHEREAS, to make a finding that the structure is a nuisance, this City Council shall set a date and time for a public hearing before the City Council for consideration of the dilapidated, unsightly, unsafe, and unsanitary conditions on the above described property.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ROGERS, ARKANSAS:

Section 1: A hearing to determine the if the structure shall be deemed a nuisance is scheduled for and shall be held along with the regularly scheduled City Council meeting on Tuesday, January 24, 2023 at 6:30 p.m.;

Section 2: The City's Legal Department will send a copy of this Resolution to the property owner in accordance with § 18-59 of the Code of Ordinances;

Section 3: Severability Provision: If any part of this Resolution is held to be invalid, the remainder of this Resolution shall continue in effect as if such invalid portion never existed; and

Section 4: Repeal of Conflicting Resolutions: All Ordinances, Resolutions, or Orders of the City Council, or parts of the same, in conflict with this Resolution are repealed to the extent of such conflict.

RESOLVED this ____ day of _____, 2022.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested By: William Hyde, Deputy Fire Chief – Risk Reduction

Prepared By: John M. Pesek, Senior Staff Attorney

For Consideration By: Public Safety Committee

RESOLUTION NO. R22-_____

**A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO
A CONTRACT WITH NWA ENTERTAINMENT, LLC IN THE AMOUNT OF FORTY
THOUSAND DOLLARS (\$40,000.00) FOR THE CITY'S 2023 FOURTH OF JULY
FIREWORKS DISPLAY; AND FOR OTHER PURPOSES.**

WHEREAS, the City of Rogers annually provides a public fireworks display celebrating the Fourth of July;

WHEREAS, the NWA Entertainment, LLC previously provided the fireworks display in past years, including 2019, 2020, 2021, and 2022 and has been deemed the most appropriate event promotion provider for 2023;

WHEREAS, the 2023 contract terms remain identical to that approved in 2022; and

WHEREAS, the price for the fireworks display is forty thousand dollars (\$40,000.00) and this expense is included in the 2023 Budget for the City of Rogers.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE
CITY OF ROGERS, ARKANSAS THAT:**

Section 1: The Mayor and City Clerk may enter into an agreement with NWA Entertainment, LLC in an amount not to exceed forty thousand dollars (\$40,000.00) for its event promotion services for the annual Fourth of July Fireworks display;

Section 2: Severability Provision: If any part of this Resolution is held invalid, the remainder of this Resolution shall continue in effect as if such invalid portion never existed; and

Section 3: Repeal of Conflicting Resolutions: All resolutions or orders of the City Council, or parts of resolutions or orders of the City Council, in conflict with this Resolution are repealed to the extent of such conflict.

RESOLVED this _____ day of _____, 2022.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested By: C. Greg Hines, Mayor of Rogers, AR
Prepared By: John M. Pesek, Senior Staff Attorney
For Consideration By: Finance Committee

RESOLUTION NO. 22-_____

A RESOLUTION AMENDING THE CITY OF ROGERS 2022 BUDGET TO APPROPRIATE FOUR HUNDRED TWENTY-FOUR THOUSAND THREE HUNDRED DOLLARS (\$424,300.00) FROM CMRS FUND RESERVES INTO ACCOUNT #352-52-70252 COMMUNICATIONS EQUIPMENT FOR THE PURCHASE OF IMPROVEMENTS TO THE DISPATCH CENTER; AND FOR OTHER PURPOSES.

WHEREAS, the City of Rogers Fire Department desires to update the equipment in the City's Dispatch Center by purchasing a dedicated fire station alerting console with interface, upgraded dispatch consoles, an automated weather alert integration, and various other technical equipment; and

WHEREAS, CMRS fund reserves will be used for this purchase.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ROGERS, ARKANSAS THAT:

Section 1: The City of Rogers' 2022 budget is amended to appropriate four hundred twenty-four thousand three hundred dollars (\$424,300.00) from CMRS Fund Reserves into Account #352-52-70252 Communications Equipment;

Section 2: Severability Provision: If any part of this Resolution is held invalid, the remainder of this Resolution shall continue in effect as if such invalid portion never existed; and

Section 3: Repeal of Conflicting Provisions: All resolutions of the City Council, or party of resolutions of the City Council in conflict with this Ordinance are repealed to the extent of such conflict.

RESOLVED this _____ day of _____, 2022.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested by: Tom Jenkins, Fire Chief
Prepared by: John M. Pesek, Senior Staff Attorney
For Consideration By: Public Safety Committee

ORDINANCE NO. 22-_____

**AN ORDINANCE AMENDING CHAPTER 14, SECTION 580 – PRELIMINARY PLAT
OF THE CITY OF ROGERS CODE OF ORDINANCES; PROVIDING FOR THE
EMERGENCY CLAUSE;
AND FOR OTHER PURPOSES.**

WHEREAS, the Department of Community Development finds it to be in the best interest of the City to update certain provisions regarding preliminary plat submission and approval as found in § 14-580 of the City of Rogers' Code of Ordinance; and

WHEREAS, these changes will assist the Department of Community Development to verify that new construction does not cause adverse impacts on neighboring properties by requiring more data be included in grading plans submitted to the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROGERS, ARKANSAS THAT:

Section 1: Chapter 14, § 14-580(1) – Preliminary Plat Submission and Approval of the City of Rogers, Code of Ordinances is amended to read as shown in the attached Exhibit "A" and the Municode Corporation is hereby instructed to make said revisions;

Section 2: Emergency Clause: The need to amend said City Code chapter is immediate in order to protect the public peace, health, safety, and welfare. An emergency is hereby declared to exist and this Ordinance shall be in full force and effect from the date of passage and approval;

Section 3: Severability Provision: If any part of this Ordinance is held invalid, the remainder of this Ordinance shall continue in effect as if such invalid portion never existed; and

Section 4: Repeal of Conflicting Provisions: All Ordinances, Resolutions, or Orders of the City Council, or parts of the same, in conflict with this Ordinance are repealed to the extent of such conflict.

PASSED this _____ day of _____, 2022.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested By: John McCurdy, Director, Community Development Department
Prepared by: John M. Pesek, Senior Staff Attorney
For Consideration By: Community Environment & Welfare Committee

Sec. 14-580. Preliminary plat submission and approval.

When a land development is proposed, the first formal application for approval shall be the preliminary plat directed to the Planning Commission and submitted to the Department of Community Development, subject to the following regulations:

- (1) *Contents.* The preliminary plat submission shall consist of the following:
 - a. Payment of the preliminary plat fee;
 - b. Hard copies required by staff along with a digital copy of the preliminary plat;
 - c. The preliminary plat shall include:
 1. Detailed street plans and profiles and specifications which are accompanied by:
 - i. Soil analysis;
 - ii. Design calculations;
 - iii. Typical street sections; and
 - iv. Pavement section of each street or street classification;
 2. Storm drainage calculations which include:
 - i. Plan and profile and specifications;
 - ii. Soil analysis; and
 - iii. Design calculations;
 3. As appropriate, design calculations for off-site improvements;
 4. As appropriate, plan and profile and specifications for required off-site improvements;
 5. Stormwater pollution prevention plans;
 6. A copy of the detailed water and sewer plans and profiles and specifications that were submitted to Rogers Water Utilities;
 7. Parcel lines;
 8. Easement lines;
 9. Building setback lines;
 10. Contour lines with actual elevations as opposed to relative elevations;
 11. Finished floor elevations;
 12. A legend;
 13. Name and address of developer;
 14. Subdivision name, date, graphic scale, north arrow, and acreage;
 15. Legal description of the property with dimensions and angles sufficient to locate all lines on the ground;
 16. Vicinity map showing zoning and surrounding zoning in proposed development;
 17. Location of all existing and proposed utility lines and drainage systems including street lights;
 18. Original topographic map showing **two-one**-foot contour intervals, not relative elevations;

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19. Location of existing streets, utility easements, and drainage abutting the development;
 20. Location of all prominent physical features, such as buildings, railroads, and creeks;
 21. Minimum finish floor elevation for each lot, at or above curb level except as waived by the Planning Commission;
 22. Drainage plan with all necessary calculations, design criteria, verification that changes to existing drainage patterns will not cause adverse impacts on neighboring properties dated and signed by the P.E. and other necessary information required to meet City code;
 23. Location of all proposed property lines, lot and block numbers, building setback lines, easements, dedications, reservations;
 24. Flood areas including, but not limited to, Special Flood Hazard Areas, Base Level Engineering-defined 100-year inundation areas, 100-year water surface elevations for all primary and secondary channels as well as the adjacent to areas (as defined in Chapter 22-47) for each of these and wetlands; and
 25. Street requirements included in plan and profile, cross section, right-of-way dedication, design criteria, and other information to meet City code.

26. Grading Plan

- i. The plan shall be based on the preliminary plat sheets as described above; and
- ii. The plan shall include all site grading and retaining walls, including individual lot grading for construction of structures; and
- iii. The plan shall indicate drainage flows either to a drainage easement or public right-of-way; and
- iv. The plan shall include existing and proposed contours for the site and extend the existing topography 50-feet beyond the property line. The City Engineer may require additional information beyond 50-feet in areas as needed. Existing contours shall be dashed lines and proposed contours shall be solid lines. Include contour lines at intervals of one foot.

ORDINANCE NO. 22-____

**AN ORDINANCE AMENDING CERTAIN PORTIONS OF CHAPTER 14, SECTION 724
– BOARD OF ADJUSTMENTS OF THE CITY OF ROGERS CODE OF ORDINANCES;
PROVIDING FOR THE EMERGENCY CLAUSE; AND FOR OTHER PURPOSES.**

WHEREAS, the Department of Community Development finds it to be in the best interest of the City to update certain provisions regarding the Board of Adjustments as found in § 14-724 of the City of Rogers Code of Ordinances; and

WHEREAS, this amendment will bring the composition and regulation of the Board of Adjustment into compliance with Ark. Code Ann. § 14-56-416.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY
OF ROGERS, ARKANSAS THAT:**

Section 1: Chapter 14, § 14-724(a) of the City of Rogers, Code of Ordinances is amended to read as follows:

- a. *Organization.* The Board of Adjustment shall consist of three members of the Planning Commission. Membership on the Board of Adjustment shall be determined by the Planning Commission. The Board shall establish its own rules of procedure covering, but not limited to bylaws, meeting times and dates, public records, findings, and decisions.

Section 2: Emergency Clause: The need to amend said City Code chapter is immediate in order to protect the public peace, health, safety, and welfare. An emergency is hereby declared to exist and this Ordinance shall be in full force and effect from the date of passage and approval;

Section 3: Severability Provision: If any part of this Ordinance is held invalid, the remainder of this Ordinance shall continue in effect as if such invalid portion never existed; and

Section 4: Repeal of Conflicting Provisions: All Ordinances, Resolutions, or Orders of the City Council, or parts of the same, in conflict with this Ordinance are repealed to the extent of such conflict.

PASSED this _____ day _____ 2022.

C. GREG HINES, Mayor

ATTEST:

JESSICA RUSH, City Clerk

Requested by: John McCurdy, Director, Community Development Department

Prepared by: John M. Pesek, Senior Staff Attorney

For Consideration By: Community Environment & Welfare Committee

ORDINANCE NO. 22- _____

AN ORDINANCE AMENDING ROGERS CODE SECTION 14-675 BY RE-ZONING CERTAIN LANDS FROM A-1 TO C-3; ACCEPTING THE DENSITY CONCEPT PLAN; PROVIDING FOR THE EMERGENCY CLAUSE; AND FOR OTHER PURPOSES

WHEREAS, pursuant to the provisions of Rogers Code Section 14-725, et seq., and upon consideration of the report and recommendations of the City of Rogers Planning Commission, the City Council finds it to be in the best interest of the City that certain lands hereinafter described are better suited for C-3 zoning.

NOW, THEREFORE, BE IT ORDAINED, BY THE CITY COUNCIL OF THE CITY OF ROGERS, ARKANSAS:

Section 1: Chapter 14, Article VI, Section 14-675—Zoning shall be amended in the City of Rogers Code of Ordinances as provided herein;

Section 2: The land described herein shall be zoned as C-3, and that said lands being in Benton County, Arkansas, are described as:

PROPERTY DESCRIPTION:

ALL THAT PART OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 08, TOWNSHIP 19 NORTH, RANGE 30 WEST, IN THE CITY OF ROGERS, BENTON COUNTY, ARKANSAS, BEING THE REMAINDER TRACT SHOWN ON A TRACT SPLIT BY JOHNNY L. MASON, P.S. 1579, RECORDED IN PLAT BOOK 2016, PAGE 37, CLERK'S OFFICE OF SAID COUNTY, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID SW 1/4; THENCE S02°41'39"W ALONG THE EAST LINE OF SAID SW 1/4 A DISTANCE OF 825.00 FEET TO A FOUND "PK" NAIL; N87°37'30"W, 41.42 FEET, LEAVING SAID EAST LINE, TO A SET 1/2 INCH REBAR ON THE WEST RIGHT OF WAY LINE OF DODSON ROAD; THENCE S02°44'08"W, 81.46 FEET, ALONG SAID RIGHT OF WAY LINE, TO THE POINT OF BEGINNING; THENCE S02°44'08"W, 807.83 FEET, CONTINUING ALONG SAID RIGHT OF WAY LINE, TO A FOUND 1/2 INCH REBAR, WITH CAP STAMPED "PS 1579", ON THE SOUTH LINE OF SAID REMAINDER TRACT; THENCE N89°17'49"W, 442.64 FEET, LEAVING SAID RIGHT OF WAY LINE, ALONG SAID SOUTH LINE, TO A SET 1/2 INCH REBAR; THENCE N01°51'52"E, 830.93 FEET TO A SET 1/2 INCH REBAR; THENCE S89°45'32"E, 170.26 FEET TO A SET 1/2 INCH REBAR; THENCE S87°37'16"E, 79.88 FEET TO A SET 1/2 INCH REBAR; THENCE 20.36 FEET ALONG A 65.00 FOOT RADIUS CURVE RIGHT, WHOSE CHORD BEARS S78°38'49"E, 20.28 FEET TO A SET 1/2 INCH REBAR; THENCE S69°40'22"E, 82.37 FEET TO A SET 1/2 INCH REBAR; THENCE 27.39 FEET ALONG AN 85.00 FOOT RADIUS CURVE LEFT, WHOSE CHORD BEARS S78°54'15"E, 27.27 FEET TO A SET 1/2 INCH REBAR; THENCE S88°08'08"E, 79.76 FEET TO THE POINT OF BEGINNING. CONTAINING 8.52 ACRES OF LAND. LESS & EXCEPT: RIGHT-OF-WAY DEDICATED ON TRACT SPLIT 1/19/2016 2016-37 SURVEYS: 12/02/2016 2016-37, 12/02/2016 2016-891, 7/28/2020 1202045325 & 4/21/2021 1202129710

LAYMAN'S DESCRIPTION:

335 S. Dodson Road / Parcel Number 02-00861-103

Section 3: Zoning: The above described lands are better suited for C-3 than A-1 zoning and same should be and are hereby zoned C-3;

Section 4: Density Concept Plan: The Density Concept Plan entered into by and between Core Architects, Inc and the City of Rogers, as approved by the Rogers Planning Commission on December 6, 2022, is hereby approved and made binding upon future development of the property described above, unless otherwise modified or amended by this Council, and the Mayor of the City of Rogers is authorized and directed to execute same;

Section 5: Emergency Clause: The need to bring the proposed use of the property into conformance with the Rogers City Zoning Ordinances is immediate in order to protect the public peace, health, safety, and welfare. An emergency is hereby declared to exist and this Ordinance shall be in full force and effect from the date of passage and approval;

Section 6: Severability Provision: If any part of this Ordinance is held invalid, the remainder of this Ordinance shall continue in effect as if such invalid portion never existed; and

Section 7: Repeal of Conflicting Provisions: All ordinances, resolutions or orders of the City Council, or parts of the same, in conflict with this Ordinance are repealed to the extent of such conflict.

PASSED this _____ day of _____, 2022.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested by: John McCurdy, Director Community Development

Reviewed by: John M. Pesek, Senior Staff Attorney

Prepared by: Zachery Birdsong, Planner I

For Consideration By: Community environment & Welfare Committee

ORDINANCE NO. 22- _____

AN ORDINANCE ACCEPTING THE FINAL PLAT OF WILLOW CREEK PHASE 1, ROGERS, BENTON COUNTY, ARKANSAS, THE DEDICATION OF UTILITY EASEMENTS AND OTHER PUBLIC WAYS THEREIN; PROVIDING FOR THE EMERGENCY CLAUSE; AND FOR OTHER PURPOSES.

WHEREAS, the Final Plat has been submitted for the subdivision of Willow Creek Phase 1, Rogers, Benton County Arkansas which is more particularly described as follows, to-wit:

PART OF THE SE 1/4 OF THE NE 1/4 AND PART OF THE NE 1/4 OF THE SE 1/4 OF SECTION 25, TOWNSHIP 19 NORTH, RANGE 30 WEST, BENTON COUNTY ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE SOUTHEAST CORNER OF THE NE 1/4 OF THE SE 1/4 OF SAID SECTION 25 THENCE ALONG THE SOUTH LINE THEREOF N86°31'59"W 72.46 FEET TO THE POINT OF BEGINNING;
THENCE ALONG THE SOUTH LINE THEREOF N86°31'59"W 1248.31 FEET TO THE SOUTHWEST CORNER OF THE NE 1/4 OF THE SE 1/4 OF SAID SECTION 25;
THENCE ALONG THE WEST LINE THEREOF N02°29'35"E 1320.30 FEET TO THE SOUTHWEST CORNER OF SE 1/4 OF THE NE 1/4 OF SAID SECTION 25;
THENCE ALONG THE WEST LINE THEREOF N02°32'55"E 174.94 FEET;
THENCE LEAVING SAID WEST LINE S86°25'19"E 1250.66 FEET TO THE WEST RIGHT OF WAY OF 1ST STREET, AS DESCRIBED IN DEED RECORD 2005-52332;
THENCE ALONG SAID RIGHT OF WAY S02°59'10"W 154.25 FEET;
THENCE ALONG SAID RIGHT OF WAY S02°32'30"W 244.93 FEET;
THENCE LEAVING SAID RIGHT OF WAY N87°30'46"W 290.10 FEET;
THENCE S02°29'14"W 241.00 FEET;
THENCE S87°30'46"E 298.87 FEET TO THE WEST RIGHT OF WAY LINE OF 1ST STREET AS DESCRIBED IN DEED RECORD 2005-52332;
THENCE ALONG SAID WEST LINE S02°32'30"W 832.56 FEET;
THENCE ALONG SAID WEST LINE S02°34'00"W 20.03 FEET TO THE POINT OF BEGINNING, CONTAINING 41.23 ACRES, MORE OR LESS AND SUBJECT TO ANY AND ALL EASEMENTS OF RECORD OR FACT.

WHEREAS, the City Council finds that said Final Plat is in conformance with the Ordinances of the City of Rogers, Arkansas; and

WHEREAS, the City Council finds that it is in the best interest of the citizens of Rogers, Arkansas that said Final Plat be approved and the dedication of the utility easements and other public ways be accepted and confirmed.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROGERS, ARKANSAS:

Section 1: The Final Plat of Willow Creek Phase 1, Rogers, Benton County, Arkansas, as described in the Plat thereof, is hereby accepted, approved, and confirmed;

Section 2: All dedication of utility easements and other public ways as set forth in the Plat are hereby accepted by the City. The Mayor and City Clerk are authorized and directed to certify the aforesaid approval and acceptance upon the face of the Plat;

Section 3: Emergency Clause: As the facilities to be constructed within this subdivision will promote the economy of the City and will promote the public health and welfare, an emergency is declared to exist and this Ordinance shall be in full force and effect from the date of passage and approval;

Section 4: Severability Provision: If any part of this Ordinance is held invalid, the remainder of this Ordinance shall continue in effect as if such invalid portion never existed; and

Section 5: Repeal of Conflicting Provisions: All ordinances, resolutions, or orders of the City Council, or parts of the same, in conflict with this Ordinance are repealed to the extent of such conflict.

PASSED this _____ day of _____, 2022.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested By: John McCurdy, Director, Community Development Department
Prepared by: John M. Pesek, Senior Staff Attorney